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In re Application of
Carl Ellingsworth
Application No. 09/832,979
Filed: April 12, 2001
Attorney Docket No. 10944-US

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(d), filed May 3, 2002, to make the above-identified application special.

The petition is DENIED.

The petition requests that the above-identified application be made special under the accelerated examination procedure in view of significant business negotiations. It is stated in the petition that "With the lack of any indication of the progress of the application, the business Applicant is pursuing [sic "pursuing"] could be irreparably harmed." The petition does not state a specific conditions outlined in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02.

A grantable petition under 37 C.F.R. § 1.102(d) must satisfy at least one of items I through XII outlined in M.P.E.P. § 708.02.

Because the petition fails to meet the conditions set forth under items I and XII of M.P.E.P. § 708.02, and the allegation of irreparable harm has not been substantiated, the evidence presented in the petition is inadequate to justify taking the application out of its normal turn of examination. Accordingly, the petition must be denied.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS of the mail date of this decision. Extensions of this time period are governed by 37 C.F.R. § 1.136(a). No further petition fee is required.

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